PART XI.

The following Rules framed by the Inspector-General of Registration, Bombay, in exercise of the powers conferred by the Indian Registration Act, 1877, in supersession of all Rules at present in force under section 2 of that Act, having been approved and sanctioned by Government, are published for general information :—

I.—Register Books.

Forms of Register Books, Nos. I to V.

1. The Register Books, Nos. I to V, prescribed in section 51, shall be kept in the forms of Appendices A, B, C, D and E, respectively. When the stock of books issued under Act XX of 1866 or Act VIII of 1871 in any office is likely to last for any length of time, the Inspector-General will issue directions for the re-numbering or re-labelling of such books, so as to adapt them for use under the present Act. (B.G.G., 1878 Pt. I., pp. 126--156.)

Supplements to Book No. I.

2. For the purposes of sections 64, 65, 66 and 67 a separate Paste-Book forming a supplement to Book No. I is to be kept, to be called "Supplement to Book No. I, Part I," copies of maps or plans, such as those mentioned in section 21, should be filed in a Paste-Book, forming another Supplement, to be called "Supplement to Book No. I, Part II," and certificates under the Land Improvement Act, 1871, received by a Registering Officer under section 89 should be filed in another supplement, to be called "Supplement to Book No. I, Part III."

Examination of new Register Books.

3. It shall be the duty of every Registering Officer on receiving a new register book, to count the pages, and satisfy himself that the number of pages corresponds with that given in the certificate on the title-page. If the number be found correct, he shall certify to that effect on the title-page. If there be a discrepancy, he shall return the book for correction to the officer from whom it was received.

Numbering of the consecutive volumes of Register Books.

4. The volumes of each Register Book shall be numbered in a consecutive series, which shall not terminate with the year but be carried on perpetually. It shall not be necessary to commence a fresh volume at the commencement of a new year; but a fresh numerical series of entries must be commenced each year as required by section 53. When the amount of copying is great, two or more volumes of Book Nos. I, III, or IV may be used simultaneously. When two volumes are thus in use at the same time, documents bearing an even number should be copied into one, and those bearing an odd number into the other.

II.—Indexes.

Forms of Indexes, Nos. I to IV.

5. Indexes Nos. I to IV, prescribed in section 55, shall be kept in the forms of Appendices F, G, H and I, respectively.

Language in which the Indexes are to be prepared.

6. In Registrars' Offices these Indexes are to be prepared in English, in Sub-Registrars' Offices in the vernacular language of the sub-district.

Manner of preparing Indexes.

7. In preparing the Indexes the transliteration table given in Appendix J should be followed. English names should be indexed under the first letter of the person's family name; native names under the first letter of the person's proper name, all prefixes denoting rank, occupation, or caste being put into the column for profession, rank, &c. The names of Native Christians, who have Christian names, and family names, should be indexed in the same manner as English names. In the case of a Native Christian who has no family name, and who adds his father's name or the name of his village to his own, the name should be indexed in the same manner as an ordinary native name.

Manner of indexing documents executed by, or on behalf of Government or by an Attorney or Guardian, or by a Company or Corporation.

8. All documents executed by or on behalf of Government should be indexed under "Government" in English, and "Sircar" in the vernaculars. A document executed under the authority of a power-of-attorney should be indexed in the name of the principal, a document executed by a guardian on behalf of a minor in the name of the minor, and a document executed by, or on behalf of a company, or corporation, in the name of such company or corporation.

But in every case contemplated by this rule the name and occupation of the actual executant should be shown in column 3 of Index No. I or IV, and in brackets in column 4 of Index No. II, immediately below the name in which the document is indexed.

Index entries of copies, memoranda, and certificates how to be made.

9. The index entries of copies, memoranda, or certificates, filed under sections 64, 65, 66, 67 and 89 should be in red ink, but are to be made in the same Indexes and in the same manner as entries concerning documents copied in Book No. I.

What to be considered the "date of registration" for the purposes of the Indexes.

10. In entering the date of registration in any of the Indexes, the date of the certificate of registration required by section 60 shall be taken to be the date of registration; but in the case of copies or memoranda filed in the Supplement to Book No. I, Part I, or of certificates under the Land Improvement Act, 1871, filed in the Supplement to Book No. I, Part III, the date of filing such copies, memoranda, or certificates shall be considered the date of registration.

Entries in Indexes where there are several executants or the property is situate in several different villages.

11. In Index No. I, column 1, when there are several executants of a deed, a separate entry shall be made under the name of each in its proper alphabetical place in this form, viz., "Gopal Narayan, and four others."

The same rule shall apply *mutatis mutandis* to the names of villages in column 1 of Index No. II, when the property is situate in several villages within the same district or sub-district.

Method of using the loose sheets supplied for Indexes.

12. The Indexes Nos. I, II, III and IV will be supplied to Registering Officers in loose sheets bearing all the letters of the alphabet printed on their lower margins. A Registering Officer, desiring to employ one of such sheets for the purpose of indexing under any particular letter, will remove all the letters below the required Index letter by cutting them out, and cancel all those appearing above such required letter by drawing an ink line through them. The page of each Index should be arranged alphabetically before being bound up.

Copies of entries in Indexes Nos. I., II. and III. when to be sent by Sub-Registrars to the Registrars.

13. The copies of entries in Indexes Nos. I and II, which Sub-Registrars are required by section 56 to send to the Registrars to whom they are respectively subordinate shall be so sent by them on the 1st of every third month. And the copies of entries in Index No. III shall be so sent by them once a year in the month of January.

Arrangement and binding of copies of Indexes Nos. I. and II. and of original Indexes.

14. The copies of entries in Indexes Nos. I and II received by the Registrars under the last rule should be filed according to sub-districts so as to prevent their getting mixed up, and at the end of the year should be bound into volumes. In binding, the volumes containing copies of entries in Index No. I should be distinct from those containing copies of entries in Index No. II.; but each Sub-Registrar's copies of entries in each Index for one year may be bound into one or more volumes, or the copies of entries in each Index for the same period of several Sub-Registrars may be bound up into a single volume, as may be most convenient. The Registrars and Sub-Registrars' own original Indexes Nos. I and II should be bound into volumes in a similar manner, but if it be deemed advisable, a Registrar's own original Indexes Nos. I and II may be bound up in the same volumes which contain the copies of Indexes Nos. I and II. respectively for the same year, received under Rule 13 from the Sub-Registrars.

15. The copies of entries in Index No. III. received by each Registrar should, together with the Registrar's own Original Index No. III, be either bound into one yearly volume for the entire district or into one district volume for several years as may be most (Notn. No. 3663, *B. G. G.*, Pt. I., p. 5566.)

convenient, the sheets being carefully arranged according to the offices to which they relate. In each Sub-Registry Office the Original Index No. III for each year should be either bound into a separate volume or if more convenient that Index for several years may be bound together.

Manner of filling in Columns 7, 8, 9 and 11 of Index No. III.

16. Columns 7, 8, 9 and 11 of Index No. III should not be filled in until it has been ascertained beyond dispute that the testator or donor, to whose will or authority to adopt the index entry relates, is dead. If the fact of such death is not ascertained till after the copy of the Index in which the entry was made has been sent by the Sub-Registrar to the Registrar, the Sub-Registrar shall immediately forward to the Registrar a statement of the particulars to be inserted in the said columns, and the Registrar shall thereupon cause the said particulars to be duly entered in the copy of the Sub-Registrar's Index filed in his office.

III.—MISCELLANEOUS RECORDS AND ACCOUNT-BOOKS.

Index of Book No. II.

17. At the end of every year an alphabetical index shall be prepared at the end of Book No. II of all entries in such book according to the form given in Appendix K.

List of Powers-of-Attorney authenticated.

18. Every Registering Officer shall keep a list of the powers-of-attorney authenticated by him under section 33. It shall contain the following headings :—

(1) Consecutive number; (2) date; (3) name of the principal executing the power; (4) his profession, trade, rank, or title; (5) name of the attorney; (6) names of the persons, if any, who identified the principal; and (7) the nature of the power.

Day-Book.

19. Every Registering officer shall keep a Day-Book in the form of Appendix L, in which shall be entered all fees and fines paid at the time of presentation.

Minute Book.

20. Every Registering Officer shall keep a Minute Book in the form of Appendix M, in which he shall briefly enter the name and residence of every person presenting a document for registration, or for any other purpose, or making any application or appeal, together with the nature of such document, application or appeal, and the orders which he may from time to time pass regarding the same, and also all proceedings held by him with regard to the attestation of powers-of-attorney.

When a document has been presented for, or admitted to registration, or a power-of-attorney authenticated, either at a private residence or a jail, a minute to that effect shall appear in the Minute Book.

When a document purporting to have been executed by, or on behalf of, Government is presented for registration, that fact shall be specially noted, and it shall be shown in the proceedings recorded in the Minute Book that the Registering Officer has been satisfied of the due execution of the document by an officer who is exempt from personal appearance in the Registration Office under section 88; and when in any case the Registering Officer is acquainted either with the parties admitting execution, or with the witnesses to their identity, he shall make a record to that effect in his Minute Book.

In this Minute Book shall also be recorded the depositions of witnesses, &c., examined by a Registrar when holding an enquiry under section 74, and the order which the Registrar may pass at the close of such inquiry, and the substance of any statement which a Registering Officer may record under section 63.

In a Registrar's Office the Registrar may, with the previous assent of the Inspector General, delegate the duty of writing the minutes under this Rule to his head clerk, for him, the Registrar, to sign. (Notn. No. 3721, *B. G. G.*, 1887, Pt. I., p. 509.)

And in the Sub-Registry Office of Aden the Sub-Registrar may, with the previous sanction of the Inspector General and the Registrar of the district, delegate the duty of writing the minutes under this rule to the head clerk of the Registrar for him, the Sub-Registrar, to sign. (Notn. No. 331, *B. G. G.*, 1888, Pt. I., p. 39.)

Cash-Book.

21. A Cash-Book shall be kept in every Registration Office in the form of Appendix N, in which all fees received for registration, searches or copies, and all moneys recovered from Registering Officers in the shape of fines, percentage allowance on fees refunded to parties, &c., shall be brought to account, and the correctness of each day's total attested by the Registering Officer's signature.

Remittance of balance in hand to Treasury.

22. The fees received for registration, searches, copies, &c., shall be remitted daily to the nearest Treasury, and the signature of the officer in charge of the Treasury or the accountant shall be taken in the Cash-Book. In Bombay the fees shall be remitted in the same manner to the New Bank of Bombay. If a Sub-Registrar's office be at a place where there is no Treasury, remittances shall be made to the Treasury whenever the amount in hand exceeds Rs. 50. (Notn. No. 5961, *B. G. G.*, 1886, Pt. I., p. 665.)

Batta Book.

23. A Batta Book shall also be kept in the form of Appendix O in each Registration Office, and all entries therein shall be signed by the Registering Officer on the day on which they are made.

IV.—SAFE CUSTODY OF BOOKS, &c.

Register Books and other records of five years to be kept in a press.

24. The office of every Registrar and Sub-Registrar shall be provided with a strong wooden press or almirah, with a good English lock, sufficiently large to contain the

Register Books and other records of five years. In this press shall be kept, when not required during office hours, all the Register Books and other records and all papers and documents in the custody of the Registering Officer, except, in the case of a Registrar, such documents as he keeps in the fire-proof box supplied to him by Government.

Transfer of Sub-Registrar's records to Registrar's Offices.

25. Every Registrar's office shall be a central office of record for the district, and, save in the case of the district of Bombay, such of the Registration, Cash, Minute, Day and Batta Books of the subordinate offices of the district as, at the commencement of each calendar year, are complete, and date back five years, shall be transferred to it. In the district of Bombay the transfer of completed books from the Sub-Registry offices to the office of the Registrar of the district shall be made as the Inspector General shall from time to time direct. The Indexes of such Sub-Registry Office shall be retained in the office to which they belong.

(Notn. No. 8215, *B. G. G.*, 1889, Pt. I., p. 898.)

Para 2.—Subject to the sanction of the Inspector General of Registration, a Cash, Day or Batta Book may be destroyed after a lapse of six years from the date of the final entry appearing therein.

V.—DESTRUCTION OF USELESS RECORDS, &c.

Destruction of useless Returns and other papers.

26. The following papers, &c., in the Registrar and Sub-Registrar's offices shall be destroyed after the lapse of two whole years from the date on which such papers, &c., or the proceedings to which they relate, were finally disposed of, subject, in the case of a Sub-Registrar's Office, to the sanction of the Registrar of the district. A list shall be kept of the papers so destroyed in the form given in Appendix P.

1.—Fixed and extra contingent bills.

2.—Bills for printing and stationery.

3.—Indents for dead-stock.

4.—Arrears returns and batta returns.

5.—Summonses.

6.—Ordinary correspondence excepting circulars and standing orders and other papers that may be considered useful for reference.

7.—Applications for summonses and warrants under sections 36 and 39.

8.—Applications for searches and inspections under section 57.

9.—Applications for attendance at the private residence of parties.

10.—Applications for leave and reports of appointments and delivering over and receiving charge of any office.

11.—Receipts granted under section 52 or under Rule 35, and subsequently taken back

under Rule 53 or 60, and counterparts of such receipts and counterparts of notices as to documents being ready for delivery.

If the destruction of any papers, &c., other than the foregoing, is desired, the previous sanction of the Inspector General or, in Sind, of the Branch Inspector General must be obtained.

The papers, &c., of which the destruction is sanctioned as above shall be destroyed in the presence of the District Registrar or of a Revenue officer of not lower rank than a Mahálkari. (Notn. No. 8678, *B. G. G.*, 1887, Pt. I., p. 984.)

Destruction of documents under section 85.

27. The documents of which the destruction is authorized by section 85, if they remain unclaimed for a period exceeding two years, shall not be destroyed without the previous sanction of the Inspector General or, in Sind, of the Branch Inspector General, nor until a notice has been duly issued to the parties concerned. The two years shall be reckoned, in the case of documents the registration of which has been refused, from the date of such refusal and, in the case of documents which have been registered, from the date of their registration.

The documents of which the destruction is sanctioned as above shall be destroyed in the presence of the District Registrar or of the Assistant or Deputy Collector. (Notn. No. 8678, *B. G. G.*, 1887, Pt. I., p. 984.)

When a registered document is destroyed, a note recording its destruction shall be entered in the Register Book at the foot of the copy of the document; and when a document, the registration of which has been refused, is destroyed, a similar note shall be recorded in Book No. II, in the column headed "Reasons for refusal to register," at the foot of the entry in that column relating to the document.

In every case the note shall be in red ink, and shall record the fact that the document has been destroyed, subject to the sanction of the Inspector General, or, in Sind, of the Branch Inspector General, and after notice duly issued to the parties concerned.

A list of destroyed documents shall be kept in every Registration Office in the form of Appendix Q.

VI.—LANGUAGES TO BE RECOGNIZED.

Languages in common use.

28. The following languages shall be deemed to be commonly used in the districts named:— (Notn. No. 7915, *B. G. G.*, 1885, Pt. I., p. 1161.)

In the districts of Ahmedabad, Broach, Kaira, the Panch Maháls, Surat and the Deesa Cantonment,—English and Gujaráti.

In the district of Bombay,—English, Gujaráti and Maráthi.

In the districts of Kolába, Ratnágiri, Thána, Ahmednagar, Khándesh, Násik, Poona and Sátára,—English and Maráthi.

In the districts of Belgaum, Kánara, Dhárwár, Kaládgi and Sholápur,—English, Maráthi and Kánarese.

In the district of Aden,—English.

In the districts of Hyderabad, Karáchi, Shikárpur, Thar and Párkar and the Upper Sind Frontier,—English, Sindhi and Persian.

VII.—TERRITORIAL DIVISIONS.

Territorial divisions to be recognized under section 21.

29. The following territorial divisions shall be recognized under section 21 (namely), in the Mofussil,—the registration district, the sub-district, the táluka, and the village or township wherein the immoveable property affected by the document is situated; within the ordinary original civil jurisdiction of the High Court of Judicature of Bombay, the registration sub-district in which the immoveable property affected by the document is situated.

VIII.—REGULATION OF FINES.

Amount of fines to be charged under section 24 or 34.

30. Fines imposed under section 24 or 34 of the Act shall be of the following amounts, namely:—

If the delay has been less than one month,—2½ times the proper registration-fee.

If more than one month but less than two months,—5 times the proper registration-fee.

If more than two but less than three months,—7½ times the proper registration-fee.

If more than three months,—ten times the proper registration-fee.

IX.—MEMORANDA.

Forms of memoranda under sections 64 to 67.

31. The memoranda of documents required by sections 64, 65, 66 and 67 shall be in the form of Appendix R.

X.—HOLIDAYS.

Holidays to be observed in Registration Offices.

32. The holidays to be observed in Registration Offices are the general holidays allowed by Government in all public offices in the Revenue Department.

XI.—PROCEEDINGS OF REGISTRARS AND SUB-REGISTRARS.

Office Hours.

Registration Offices to be open daily from 11 A.M. to 5 P.M.

33. All Registration Offices shall be open daily, Sundays and holidays excepted, between the hours of 11 A.M. and 5 P.M.

(Notn. No. 6861, *B. G. G.*, 1884, Pt. I., p. 631.)

33A.—The Sub-Registrar of Haveli in the District of Poona shall hold office at the Cantonment Magistrate's Office in the Poona Sadar Bazár every Saturday from 11 A.M. to 2 P.M., commencing from the first Saturday in the month of October 1884, and

shall receive for registration at that place any documents which may be presented to him for that purpose whilst he is holding office there.

During the hours specified above, the office of the said Sub-Registrar at his head-quarters will be closed.

The Sub-Registrars of the Sub-Districts hereinbelow specified shall hold office at the places in their respective sub-districts hereinbelow mentioned on the dates specified and shall receive for registration at those places any documents which may be presented to them for that purpose while they are holding office there :— (Notn. No. 990, *B. G. G.*, 1885, Pt. I., pp. 144. 145.)

Sub-Districts.	Districts.	Places at which office is to be held.	Dates on which office is to be held.
Thásra... ...	Kaira ...	Dákor	From the 2nd Monday to the following Saturday, both days inclusive, in each month.
Olpád	Surat ...	Ránder	
Jávli	Sátára ...	Malcolmpeth (Mahábaleshvar.)	The 1st Monday and Tuesday in each of the months of March, April and May.

During the periods named in the final column of the above statement the offices of the said Sub-Registrars at their head-quarters will be closed. (Notn. No. 1764, *B. G. G.*, 1891, p. 231, 9th March 1891.)

The Sub-Registrar of Mehmadabad in the district of Kaira shall hold office from 1st to 15th, inclusive, of each month at Kaira and for the remainder of the month at Mehmadabad, and shall receive for registration at those places any documents which may be presented to him for that purpose while he is holding office there. During the absence of the Sub-Registrar at Mehmadabad his office at his head-quarters at Kaira will be closed.

Commencing in May next the Sub-Registrar of Parántíj in the district of Ahmedabad shall hold office at Modása in the petha of that name on the first Monday, Tuesday, Wednesday, Thursday and Friday in the months of January, March, May and November, and shall receive for registration any document which may be presented to him for that purpose whilst he is holding office there. (Notn. No. 3045, *B. G. G.*, 1885, Pt. I., p. 508.)

During the first Monday, Tuesday, Wednesday, Thursday, Friday and Saturday of each of the months named the office of the above Sub-Registrar at his head-quarters will be closed.

Commencing in April next the Sub-Registrar of Belgaum in the district of Belgaum shall hold office at the town of Halkarni in the petha of Chandgad in the same district, on the first Monday, Tuesday and Wednesday in each month, and shall receive for registration any documents which may be presented to him for that purpose whilst he is holding office there. (*B. G. G.*, 1885, Pt. I., p. 312.)

During the first Monday, Tuesday, Wednesday and Thursday in each month the office of the above Sub-Registrar at his head-quarters will be closed. (G. N. No. 2054 of 4th March 1885.)

The Sub-Registrars of the sub-districts hereinbelow specified shall hold office on one or more days (Notn. No. 10328, *B. G.*

G., 1885, Pt. I., p. 1423.)

between the 11th and 20th, both days inclusive, of each of the months of January, March, May and November at each of the places in their respective sub-districts hereinbelow mentioned, and shall receive for registration at those places any documents which may be presented to them for that purpose whilst they are holding office there.

During the above periods the offices of the said Sub-Registrars at their head-quarters will be closed.—

Sub-Districts.	Districts.	Places at which office is to be held.
Dhandhúka	Ahmedabad	Dholera. Rámpur.
Viramgám	Do. ...	Mandal.
Dholka	Do. ...	Barla. Koth.
Sinnar	Násik	Devpur.
Niphád	Do.	Saykheda.
Sálsette	Thána	Kúrla. Bándra. Chembur. Andheri.
Bassein	Do.	Sopore. Nole.
Panvel	Kolába	Apte. Chirwar.
Dhárwár	Dhárwár	Gadag.
Navalgund	Do.	Nargund. Annigeri.
Násik*	Násik	Trimbak. Girwári.

(Notn. No. 1553, B. G. G., 1886, Pt. I., p. 649.)

"The Sub-Registrar of Karjat in the district of Thána shall hold office at Khálápur in the Khálápur Petha of that district from the second Monday to the following Saturday, both days inclusive, in each month, and shall receive for registration any documents which may be presented to him for that purpose whilst he is holding office there. During the period named the office of the Sub-Registrar at his head-quarters will be closed."

(Notn. No. 4398A., B. G. G., 1888, Pt. I., p. 562.)

"The Sub-Registrar of Haliyál in the district of Kánára shall hold office at Supa in the Supa Petha of that district on the first Monday, Tuesday, Wednesday and Thursday in each of the months of January, March, May and November and shall receive for registration at that place any documents which may be presented to him for that purpose whilst he is holding office there.

"During the absence from Haliyál of the above Sub-Registrar on the occasions abovenamed his office at his head-quarters will be closed."

(Notn. No. 5920, B. G. G., 1889. Pt. I., p. 672.

The Sub-Registrar of Viramgám in the district of Ahmedabad shall hold office in each of the towns of Mandal and Detroj on one or more days between the 11th and 20th, both days inclusive, of each of the months of January, February, March, April, May, June, October, November and December, and shall receive for registration at those places any

* (*Vide* Notification No. 7401, *B. G. G.*, 1883, Pt. I., pp. 772 and 773.)

documents which may be presented to him for that purpose whilst he is holding office there.

During the period mentioned the office of the said Sub-Registrar at his head-quarters will be closed.

The Sub-Registrar of Dádú in the district of Karáchi shall hold office from the first Monday to the following Saturday, both days inclusive, in the months of January, March, May, July, September and November in the town of Johi in the sub-districts of Dádú in the district of Karáchi, and from the first Monday to the following Saturday, both days inclusive, in the months of February, April, June, August, October and December in the town of Phulji in the sub-district of Dádú in the district of Karáchi. (Notn. No. 8568, *B. G. G.*, 1889, Pt. I., p. 942.)

During the absence from Dádú of the Sub-Registrar on the occasions above named his office at his head-quarters will remain closed.

The abovementioned rule will take effect from 1st January 1890.

Reports of Appointments.

Report of appointments under Section 11 or 12.

34. Registrars should report all appointments made by them under section 11 or 12, and all changes in the officers in charge of Registrars' and Sub-Registrars' Offices respectively, in the following forms :—

"*Statement of appointments made under section 11 or 12 of Act III of 1877 between the 1st and 7th of July 1877.*

No.	The names and designations of persons appointed.	To what duties, and whether officiating or substantive.	At what place, and the circumstances under which the vacancy necessitating the appointment has occurred.

No. OF 18 .

Forwarded to the Inspector General of Registration for information.

Registry Office, 18 . } Registrar."

"The following officers have respectively delivered over and received charge of the Registry and Sub-Registry offices hereinafter named on the dates specified against their respective names :—

District.	Office.	Names of Officers delivering over charge.	Names of Officers receiving charge.	Date of the same.	Time.

No. of 18.

Forwarded to the Inspector General of Registration for information.

Registry Office, 18 . } Registrar."

Receipts.

Receipts to be furnished for every payment, and every document received by a Registering Officer.

35. A Registering Officer visiting a private residence or jail under section 31, 33 or 38, and receiving his travelling expenses from the person at whose application such visit is made, shall give to the applicant a receipt for the sum received, and, if a Sub-Registrar, shall immediately report the amount to the Registrar. Such receipts shall be in the form of Appendix S, and a receipt in the same form shall also be given whenever payment of any fee or fine is made to a Registering Officer unaccompanied by the presentation of any document for registration or deposit.

The receipt to be given under section 52 for a document presented for registration shall be in the form of Appendix T, and a receipt in the same form shall also be given for any document presented for deposit.

Authentication of Powers-of-Attorney.

Form of authentication of powers-of-attorney.

36. In authenticating or attesting powers of attorney under section 33 registering officers should adopt the following forms (namely):—

(Notn. No. 4430, *B. G. G.*, 1885, Pt. I., p. 697.)

Authentication (clause *(a)*, section 33).—Executed by *A.B.* of *C.D.* in my presence on 30th July 1877, his identity being proved by *E.F.* of *G.H.*

Attestation (in case of persons exempted from personal attendance at registration office as per the terms of section 33).—Voluntarily executed by *A.B.* of *C.D.* whereof I have satisfied myself by personal examination of *A.B.* (or by the examination of the said *A.B.* by Commission).

These endorsements shall be signed and sealed by the registering officer authenticating or attesting the power-of-attorney.

Registration.

Presentation endorsement to be written by Registering Officer in his own hand.

37. The endorsement to be made, as prescribed in section 52, on every document presented for registration shall be written by the Registering Officer with his own hand, on the face of the document, in the following form:—

"Presented at the Office of the Registrar, or Sub-Registrar, of between the hours of 2 and 3 P.M., on the 30th July 1877.

If a document is impounded under the Stamp Act, the words "impounded under Section of

the Stamp Act" shall be written on the face of it, and signed by the Registering Officer below the above endorsement.

In a Registrar's office the Registrar may,* with the previous assent of the Inspector General, delegate the duty of recording the endorsements under this Rule to his head clerk, or in the Bombay Registry Office, to the assistant head clerks, for him, the Registrar, to sign; (Notn. No. 3921, *B.G.G.*, 1887, Pt. I., p. 509.)

and in the Sub-Registry Office of Aden the Sub-Registrar may, with the previous sanction of the Inspector General and the Registrar of the district, delegate the duty of recording the endorsements under this Rule to the head clerk of the Registrar for him, the Sub-Registrar, to sign. (Notn. No. 331 *B.G.G.*, 1888, Pt. I., p. 39.)

If the executant of, or a person who proposes to present a deed is in doubt about the proper stamp which such deed should bear, and consults a registering officer on the subject before formal presentation, the required information may be given to the former without impounding the deed. (*Vide* Notn. No. 873, *B.G.G.*, 1888, Pt. I., p. 116.)

Fees to be taken and credited at once in Day-Book.

38. The proper fees shall then be taken, and the first four columns in the Day-Book (Appendix L) must be filled in at once.

The daily number under which the document is entered in the Day-Book (Appendix L) and the Minute Book (Appendix M) should be endorsed on the document.

Method of counting folios for fixing copying fees.

39. In calculating copying-fees a fraction of a folio shall be counted as a whole folio. When a document is so short that the copy of it will probably occupy less than one page of the Register Book, the whole number of words should be counted. In other cases the number of folios may be counted by multiplying the average number of words in five different lines in different parts of the document by the number of lines in the document (a fraction of a word being counted as a word), and dividing the result by a hundred.

Note of receipt of fees to be endorsed on the document.

40. On receipt of the fees the Registering Officer shall write on the face of the document a note in the following form:—

" Received fees as follows:—

Registration fee	...	...Rs.
Copying fee (folios)	...	... „
[When paid] extra fee for registration by Registrar		... „
[When paid] extra registration fee for registration at private residence	...	... „
[When paid] attendance fee for do.	...	... ... „

[When paid] fee for copies or memo. under sections 64, 65, 66 and 67 ... ... „
[When paid] fine under section 24 ... ... „
[When paid] fine under section 34 ... ... „

Total Rs.

A. B.
Registrar or Sub-Registrar."

(Notn. No. 3921, B.G.G., 1887, Pt. I., p. 509.)

In a Registrar's Office the Registrar may, with the previous assent of the Inspector General, delegate the duty of recording the endorsements under this Rule to his head clerk, or, in the Bombay Registry Office, to the assistant head clerks, for him, the Registrar, to sign;

(Notn. No. 33, B.G.G., 1888, Pt. I., p. 39.)

and in the Sub-Registry Office of Aden the Sub-Registrar may, with the previous sanction of the Inspector General and the Registrar of the district, delegate the duty of recording the endorsements under this rule to the head clerk of the Registrar for him, the Sub-Registrar, to sign.

Points to be considered before accepting a document for registration.

41. In considering whether a document presented for registration should be accepted for registration, the Registering Officer should not concern himself with questions as to its validity,* but should be careful only to see that it fulfils the following requirements of the law relating to documents presented for registration (namely):—

(1) that the document be properly stamped;

(2) that it be presented within the proper time;†

(3) that it be presented by a competent person;

(4) if it relates to immoveable property, that it is not open to objection under section 21; and

(5) that the provisions of section 19 are complied with, with respect to it, if that section be applicable to it.

Form of Endorsements and Certificate under sections 58 to 60 if document is admitted to registration.

42. If there be no objection, on the face of the document, to its being accepted for registration, the inquiry prescribed in section 34 shall be proceeded with; and if the document is admitted to registration, the endorsements and certificate prescribed by sections 58 to 60 shall be made from time to time in the manner shown in Appendix U.

Admission of receipt of consideration shall only be endorsed when such admission is voluntarily made.

If an executing party admits execution, but takes occasion to deny the receipt of consideration in whole or in part, registration is not on that account to be refused, but the denial of receipt of consideration shall be mentioned in the endorsement.

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* *Vide* note on section 69 at the end of this Part. 16 W. R. 180.

† As to time for presentation, *vide* note on section 23 at the end of this Part; 15. B. L. R. 228; 24 W. R. 75; and I. L. R. 11. C. 750.

When the Registering Officer is acquainted either with the persons admitting execution or with the witnesses to their identity, he shall mention the fact in the endorsement.

Procedure of Sub-Registrar when application is lodged with him under section 24, or Proviso in section 34.

42A. When an application for a direction under section 24, or under the Proviso in section 34, is lodged with a Sub-Registrar, the Sub-Registrar may, on payment being made to him of the full amount of the fine that may be imposed by the Registrar if he grants the direction, at once proceed with the inquiry prescribed in clauses (*a*), (*b*) and (*c*) of section 34, in anticipation of the order that may be passed by the Registrar upon the application: (Notn. No. 6187, *B. G. G.*, 1883, Pt. I., p. 599.)

Provided that—

(1) nothing in this Rule shall be deemed to affect the power of the Registrar to refuse such application;

(2) if such application is refused, or if the amount of fine imposed by the Registrar when granting the direction applied for is less than the full amount imposable by him, the amount of fine paid to the Sub-Registrar or the excess, as the case may be, shall be refunded to the party who paid it.

Provision where blank space on document is insufficient for the necessary endorsements and certificate.

43. On every document admitted to registration, a blank space is required for the endorsements and certificate prescribed by sections 58 to 60. A space, 6 inches in length and 5 inches in breadth, will ordinarily be sufficient; but when the executing parties are numerous, the space should be proportionately larger. If, in any case, the blank space on the document is insufficient, an extra piece of blank parchment or paper should be firmly gummed on to it, and the Registering Officer, when making the endorsements or certificate, should take particular care that they are not written wholly on the piece attached, but partly on the document itself and partly on the attached piece across the junction of the two.

Value of stamp and stamp-vendor's endorsement to be copied into the Register Books.

44. When a document admitted to registration is being copied, as required by section 52, in the appropriate Register Book, the value of the stamp and the stamp-vendor's endorsement shall invariably be transcribed at the beginning of the copy in such book and also on the memoranda or copies prepared under sections 64 to 67; but these shall not be taken into account when calculating the copying fees.

Compulsory Registration how to be distinguished from Optional in the Registers.

45. In Book No. I compulsory registrations shall be distinguished by the letter "A" appended to the serial number, and optional registrations by the letter "B," and copies,

memoranda, or certificates under sections 64, 65, 66, 67 and 89, filed in supplements to Book No. 1, Parts I and III, shall be distinguished by the serial numbers 1*a*, 2*a*, 3*a*, &c.

*Determination of value of interest affected by a document for purpose of classing such document under this rule.

For the purpose of determining whether the registration of a document in which the value of the interest affected is not specified is compulsory or not, the value of the stamp affixed thereto shall be taken to indicate the value of the interest according to the provisions of the law in force relating to stamped documents.

Transcripts of translations to be written in red ink.

46. The transcript of a translation under section 62 shall be made in red ink.

What endorsements and certificates are to be copied into Register Books Nos. 1, III and IV.

47. The following items are to be copied in the column of Books Nos. I, III or IV (as the case may be), headed "Endorsements and Certificate" (namely):—

(1*st*) the daily number endorsed on the document under Rule 38;

(2*nd*) the presentation-endorsement referred to in Rule 37;

(3*rd*) the fee-endorsement required by Rule 40;

(4*th*) the endorsements and certificate required by sections 58 to 60 in the order in which they occur on the document.

Procedure in cases of re-registration.

48. In cases of re-registration the document shall be copied into the Register *in extenso*, and a number shall be assigned to it, precisely as if it had not been previously registered, but a note in red ink to the effect "re-registered at page , volume of Book No. , shall be made in the Register to the first copy of the document in the column headed "Endorsements and Certificate" below the Registering Officer's signature, and such note shall be signed by the officer who re-registers the document The presentation-endorsement (Rule 37) shall be repeated on re-presentation.

Method of noting errors, erasures, &c., in original documents in the copies thereof in Register Books.

49. Errors, erasures, interlineations, &c. in original documents must be copied into the Register Book exactly as they appear in the documents. Marginal notes shall be written in column 1, explanatory of such errors, &c., in the following manner: in the case of interlineations, additions, or mis-spellings, by a single mark "X," in red ink over them, with a similar mark "X," in red ink, in column 1, and the word "sic," or the corresponding word in the vernacular in the same column; in the case of an erasure, by two marks "XX," in red ink, one at each end of such erasure, with similar marks in column 1, and the word "erasure," or corresponding word

*For rulings as to documents of which registration is compulsory, see notes on section 17 at the end of this Part.

in the vernacular. All such notes must be attested by the initials of the Registering Officer.

50. When the copy in the Register Book has been completed, it shall be carefully compared with the original, and the Registering officer shall certify, under his signature, that it is a true copy. If the comparison of the copy with the original is made by any person other than the Registering officer, such person shall endorse below the copy the words 'Compared by me' and attach his signature to the endorsement. (Notn. No. 10043, *B. G. G.*, 1884, Pt. I., p. 1220).

Method of attesting corrections in copy of a document in the Register Books.

No erasure or alteration shall be made in the Registers, any error made at the time of copying shall be bracketed in red ink, and the correction written above in red ink, and such correction shall be attested on each side by the initials of the Registering officer. Every interlineation or addition shall be similarly noted and attested.

When any such corrections are made, the form of certificate shall be as follows :—

"(True copy.)

The words , line , page , having been superfluously written at the time of copying, have been placed in brackets" ; *or* "the words , line page, having been written by mistake at the time of copying, have been placed in brackets, and the words have been written above in red ink;" *or* " the words having been omitted by mistake from line , page , at the time of copying, have been written above in red ink.

(Signed) A. B.,
Registrar or Sub-Registrar."

Arrangement of entries in Register Books.

51. If the copy of a document occupies more than one page of the Register Book, the marginal entries shall be made once only, with the exception of the serial number, which shall be repeated on every page. The marginal entries shall, in no case, be made alongside of the copy of any document other than that to which they relate. Where, owing to the document being short, the marginal entries in the Register Book extend lower down in the columns appropriated to them than the copy of the document in the column appropriated to it, the blank space left in the last-named column shall be cancelled by cross lines in ink being drawn over it.

Treatment of maps or plans put in under Section 21.

52. On every map or plan put in under section 21, the Registering Officer shall endorse " map or plan which accompanied the document, registered No. , at page , volume of Book No. I," and every Registering Officer entering such map or plan or copy of map or plan, in his supplement to Book No. I, Part II, shall make a note in his Book No. I, below the copy of the document to which the map or plan or copy belongs as follows :—

"Map or plan, or copy of map or plan accompanying, is entered at page of volume of Supplement to Book No. I, Part II."

On return of document after registration, receipt given under Section 52 to be taken back.

53. When after the registration is complete within the meaning of Section 61, the document is returned, the signature of the recipient shall be taken in the Day-Book (Appendix L), and the receipt given under Section 52 shall be taken back and filed.

Registered and unregistered documents to be kept separate, and a list to be kept showing each.

54. Documents of which the registration is not complete, and registered documents pending delivery, shall be kept separate.

A list of documents, the registration of which is not completed, and of those which have been registered, and have remained unclaimed for more than one month from the date of completion of registration shall be hung up to public view in the office of every Registering Officer.

Notices regarding fees under Article 37 of the Fee Table to be issued in certain cases.

If a document remains unclaimed one calendar month after its registration or after registration of the same has been refused, the Registering Officer shall, on the day following the last day of such month, issue a notice to the presenter of the document, informing him that if it be not claimed within a further period of one calendar month from the date of such notice, an extra fee at the rates prescribed in Article 37 of the Fee Table will be leviable before such document can be delivered to him. Such notices shall be sent by post, post paid.

(Notn. No. 3684, *B. G. G.*, 1883, Pt. I., p. 355.)

Correction of mistake in registering a document in the wrong sub-district.

55. When a Sub-Registrar registers a document relating to immoveable property not situate within his own sub-district, but in that of another Sub-Registrar and the mistake is brought to notice, he shall direct the presenter to present it again in the proper office where it shall be registered afresh without additional charge.

Copy of every order or appeal directing a document to be registerrd to be sent to the Sub-Registrar concerned.

56. A copy of every order passed by a Registrar in appeal shall, if registration be thereby ordered, be sent to the Sub-Registrar, from whose decision the appeal was made, and shall be copied by the latter in the last column of his Book No. II.

Commissions and the taking of Evidence, &c.

Form of Commissions and manner of recording them.

57. Commissions issued under section 33 or 38 and the returns thereto shall be recorded in a separate file. Such commissions should be in the following form :—

"To

A. B.

Whereas the accompanying power-of-attorney (or document), dated and purporting to have been executed by C. D., has been presented for authentication (or registration) in this office, and whereas it is necessary that it should be ascertained whether it has been voluntarily executed by the person by whom it purports to have been executed, you are hereby directed to take the examination of upon the interrogatories hereunto attached, and to return this commission with the examination of the said to this office on or before the day of 18 .

Given under my hand and seal this day of 18 .

Seal.

(Signature of Regis.... or Sub-Registrar).

Class of witnesses to be preferred.

58. In taking evidence regarding the identity of parties appearing before him, the Registering Officer should prefer witnesses of respectability or well-known persons, such as Government Officers, Vakils ordinarily practising at the station, or persons with whom he is personally acquainted.

Fees for Processes under section 36 or 75.

59. Fees are to be levied for summonses and warrants issued under either section 36 or 75 at the rates prescribed in the fee table, prepared by Government, and to be credited in the Batta Book (Appendix O).

Issue of process under section 75.

For the purposes of paragraph 4 of section 75, Registrars will themselves issue process for the attendance of witnesses. In the district of Bombay the Registrar will himself arrange for the service or execution of such processes, elsewhere they should be sent to a Mámlatdár, Mukhtyárkar, or Máhalkari for the purpose of being served or executed.

Registration of instruments prepared under section 63A of the Dekkhan Agriculturists' Acts, 1879 to 1886.

(Notn. 763, B. G. G., 1887, Pt. I., p. 85.)

59A. In respect of the registration of any instrument which has been executed by an agriculturist under section 63A of the Dekkhan Agriculturists' Relief Acts, 1879 to 1886, Nos. 17, 23, 30, 41, 42, 42A, 46, 48, 56, 57, 59, 60, 64 and 65 of these rules shall be deemed inapplicable, and the following special provisions shall apply, namely:

(1) An endorsement in the following form shall be substituted for that prescribed by Rule 37, *viz.*:—

"Prepared at the office of the Sub-Registrar of , (*or* 'at the house of ', *as the case may be*) between the hours of 2 and 3 P.M., on the 30th July 1877.'

(2) Rule 47 shall be read as if for the 2nd and 4th items therein specified the following were, respectively, substituted, *viz.*:—

'(*2nd*) the preparation-endorsement referred to in Rule 37, as modified by Rule 59A, clause (1);'

'(*4th*), the endorsements made under Nos. 15, 15B and 16 of the Rules made under section 61 of the Dekkhan Agriculturists' Relief Acts, 1879 to 1886, and the certificate required by section 60 of the Indian Registration Act, 1877, in the order in which they occur on the instrument.'

(3) Rule 66 shall be read as if for the first sentence thereof down to and inclusive of the word 'same' the following were substituted, *viz.*:—

'If for any reason an instrument is not completely executed and registered after the fee for the same has been paid, one-half of such fee shall be refunded to the person who paid the same.'

Deposit of Sealed Covers.

Receipt given under Rule 35 for a sealed cover to be taken back when the cover is withdrawn.

60. When application is made for withdrawal of a sealed cover under section 44, the Registrar shall take back the receipt given under Rule 35 when the cover was deposited, and file it.

Grant of Copies, &c.

Applications for copies, &c., to be in writing.

61. Every application to a Registering Officer for copies, searches, inspections, &c., shall be made in writing: every such application shall be numbered and filed by the Registering Officer, and upon it shall be endorsed the date of receipt, the date on which the requisition was satisfied, and the amount of fee received.

Registering Officers must be careful to see that the provisions of the stamp-law for the time being in force are complied with in respect of applications made under this rule and also as regards copies of documents which they may furnish to applicants.

A Sub-Registrar in charge of a Registrar's Office, to receive percentage allowance on receipts from fees for copies, &c.

62. When the Sub-Registrar at the Huzúr Station is appointed by the Registrar under section 11 to perform his duties during his absence from his office on duty, in his district, or when, although not so appointed, such Sub-Registrar is during the Registrar's absence placed in charge of the District Record-room, the fees received for

copies from the records of which he is so placed in charge shall be credited in the Sub-Registrar's accounts, and he shall be allowed his usual percentage commission on such fees.

Postal Charges.

Postal charges not to be levied for transmission of memoranda, &c.

63. No postal charges shall be levied for the transmission of memoranda or copies of documents, under sections 64, 65, 66 and 67. The fees charged cover all expenses, and the postage shall be paid by the officer levying such fees.

Copies of Documents prepared under Section 67.

In certain cases translation of document to accompany copy under section 67.

64. When under clause (*b*) of section 30 the Registrar of Bombay registers a document relating to property situated beyond the limits of the Bombay Presidency, the copy of such document, which under section 67 it is his duty to forward to every Registrar within whose district any part of the property to which such document relates is situated, shall, when the document is in a language other than English, be accompanied by an English translation, written in red ink, and certified under the signature of the said Registrar of Bombay to be a true translation.

Copies of Reasons for Refusal of Registration.

Copy of reasons under sections 71 and 76 of what to consist.

65. The copy of reasons furnished under sections 71 and 76 shall be a copy of the entries in the first four columns of Book No. II. relating to the document, of which registration has been refused.

Refund of Fees.

When registration is refused, fees are to be refunded.

66. Fees on documents of which the registration is finally refused shall be refunded to the parties entitled to the same. A Register of such refunds, and of refunds of fees surcharged, and of fines which have been remitted shall be kept by each Registering Officer in the form of Appendix V.

Returns and Accounts.

Monthly returns to be sent to Registrars and to the Inspector General.

67. Every Registrar shall submit to the Inspector General, on or before the 15th of every month, monthly returns in the forms of Appendices W. and X. These shall be prepared from similar returns, which shall be submitted to the Registrar by the Sub-Registrars on the 2nd of every month.

Dates on which accounts should be closed.

68. Sub-Registrars in the Mofussil, other than those at Sadar stations, should close their accounts on the date of each month on which the ac-

counts of the Treasuries, into which their receipts may be paid, are closed; those at Sadar stations and in Bombay should close them on the last day of the month.

[Notn. No. No. 4066, B. G. G., 1890, Pt. I., p. 527, 12th June 1890.

Sub-Registrars to prefer monthly bills.

69. Every Sub-Registrar shall prepare a bill, immediately after paying in his fee-collections for the last day of each month, *i. e.*, the day on which his accounts are closed, and after obtaining the signature of the Treasury Officer thereto shall forward it with his Returns W. and X. on the 2nd of the month following to the Registrar to whom he is subordinate. The 4th column will be filled in by the officer in charge of the Treasury.

A general Bill to be prepared by each Registrar.

70. A general bill for all the Sub-Registrars in the district shall be prepared in Appendix Form Y. by the Registrar, and forwarded by him with his monthly Returns W. and X., to the Inspector General.

Return W. how to be prepared.

71. The Return W. shall comprise the period from the day after that on which the accounts are closed in one month to that on which they are closed in the month following, both days inclusive. Any fee recovered for any period not included in that to which the return relates, shall be shown in a foot-note with a short explanation.

The fees for copies or memoranda under sections 64, 65, 66 and 67 shall be entered in red ink separately from the fees for registration, but immediately below them.

Sale-proceeds of useless dead-stock articles belonging to the Department, credited to Government, shall be shown in a foot-note in the manner indicated in the form.

Treatment of fees received after closing of Treasury.

72. Fees received after the hour at which the Treasury, into which payments have to be made, may be closed, shall be kept by the Registering Officers till next day, and then paid into the Treasuries along with the receipts for that day.

In Bombay and the Sadar stations, where the Treasury accounts are closed on the last day of the month, any fees received on that day by Registering Officers, subsequent to the closing of the Treasury, shall be shown in their accounts for the following month.

Annual Returns and Report to be furnished to the Inspector General by Registrars.

73. Every Registrar shall fill up such forms of Annual Returns as may be called for by the Inspector General and shall, on or before the 30th June submit to the Inspector General a brief Annual Report containing such genaral remarks as he may deem necessary on the amount of registration-work performed by himself and his Sub-Registrars during the year, which terminated on the 31st of the previous March, distinguishing compulsory from voluntary registrations, show-

ing the nature of the documents registered, the number and result of appeals under section 72, of applications under section 73, and of suits under section 77, the amount of fees collected in his own office and those of the Sub-Registrars, drawing attention to the inconvenience, if any, attending any of these rules or the authorized table of fees, and submitting any suggestions which he may have to offer for facilitating, extending or improving the system of registration.

XII.—REMUNERATION, &c., OF SUB-REGISTRARS.

Sub-Registrars to provide their own writing materials.

74. All Sub-Registrars, except the Sub-Registrars of the Presidency-District, Karáchi and Aden, shall provide, out of the percentage of fees paid to them as remuneration, whatever writing materials they require for the work of their respective offices, excepting such blank forms and books as are supplied by Government.

Mofussil Sub-Registrars to pay their own Kárkúns, subject to the orders of the Registrar.

75. The kárkúns employed in mofussil Sub-Registry Offices shall also be paid by the Sub-Registrars out of the said percentage of fees. Subject to the approval of the Inspector General, the number of kárkúns to be employed in a Sub-Registry Office, and the amount of monthly remuneration to be paid by the Sub-Registrar to each of them, shall be determined by the Registrar of the district. In no case shall the salary of any kárkún be less than Rs. 8 per month if he be employed by a special Sub-Registrar, nor less than Rs. 6 per month, if he be employed by an *ex-officio* Sub-Registrar, whether the percentage receipts of the Sub-Registrar be above or below the abovenamed sums. On the 1st of January and on the 1st of July in each year, every Sub-Registrar shall furnish to the Registrar, to whom he is subordinate, a return showing the amount of salary paid by him to his establishment during the preceding six months. No Sub-Registrar shall employ, fine, or dismiss any kárkún save with the sanction of the Registrar of his district.

76. *Ex-officio* Sub-Registrars—

Ex-officio Sub-Registrars may not write up their records during office hours.

(1) shall not write up, during the regular office hours of the Kacheri in which they are employed, any of the Register Books or Indexes, nor any of the Returns, nor any book except the Minute Book, the Day-Book, the Cash-Book, and the Bátta Book;

Nor employ the parties &c. to a document to do any such writing, nor get such writing done without remuneration by any one attending Kacheri.

(2) shall not employ any of the parties to a document, nor any agent, relative or friend of any such party or other person interested in the document, to write up any of the Registration-Books, Indexes, Returns, or endorsements relating to such document, nor get any such writing done

without remuneration by any person attending the Kacheri on any public business;

(3) shall not employ any Government servant to write up any of the Registration-Books, Indexes, Returns, or Endorsements, during the ordinary hours of duty of such servants; and,

Nor employ any public servant to do any such writing during office hours.

(4) shall be responsible for all writing for registration purposes being done legibly and distinctly and for the Books, Indexes, and Returns being kept in a neat and orderly manner under penalty of refunding the percentage of fees paid for any writing not to the satisfaction of the Registrar.

And shall be responsible for quality of writing and condition of records.

77. Registrars may, at their discretion, withhold percentage allowance from any Sub-Registrar who may be found to be negligent in the performance of his duties.

Registrar may withhold Sub-Registrars' percentage allowances.

XIII.—INSPECTION.

(Notn. No. 3921, *B.G.G.*, 1887, Pt. I., p 509.)

78. Every Registrar shall, if possible, examine the Books, Indexes, Accounts, and other records of the Sub-Registrars subordinate to him once in every official year. He shall make a memorandum of all errors, acts of negligence, or doubtful practices which he may observe, and shall send one copy of the same to the Sub-Registrar and another to the Inspector General, with any remarks or suggestions that he may have to offer. He shall particularly direct his attention towards ascertaining whether the same person or persons have been in the habit of attending at the Sub-Registry Office an extraordinary number of times to give evidence as to the identity of executants. He shall also, under section 52, authenticate the books that he may examine by making a record in each book to the following effect:—

Inspection by Registrars of Sub-Registrars' Offices.

"Entries from p. to p. in this book.

Examined by me,

(Signed)

Registrar."

The of 189 .

79. Every Inspector of Registration Offices shall carefully inspect the books, accounts, &c., of each Sub-Registry Office in the districts forming his charge, if possible, once in every official year, and shall, on each such occasion, make a memorandum of all errors, acts of negligence, omissions, or doubtful practices which he may observe. He shall forward one copy of such

Inspection by Inspectors of Sub-Registrars' Offices.

memorandum to the Inspector General of Registration for information and another copy of the same to the Registrar of the district. The latter will thereupon issue such orders to the Sub-Registrar as he may deem requisite, but no Inspector shall issue any order direct to any Sub-Registrar. Such books of the Sub-Registry Office as may be examined by an Inspector shall be authenticated by him under section 52 of the Registration Act in the manner above prescribed for Registrars.

Inspectors to submit a diary every month and an Annual Report to the Inspector General.

80. On or before the 10th of every month each Inspector shall submit to the Inspector General a diary containing full information as to his movements during the preceding month. He shall also submit an Annual Report, in which are to be noted all deeds of a peculiar or extraordinary character which have come under his observation during his examination of the Register Books. Special mention is also to be made of the state of the Indexes in the several offices, whether they afford all necessary facilities for reference, and whether any steps are recommended for their improvement.

XIV.—BRANCH INSPECTOR GENERAL OF SIND.

In Sind reports, &c., to be made to the Branch Inspector General.

81. In Sind all reports and returns which, by any of the foregoing rules, are ordered to be made to the Inspector General shall be made to the Branch Inspector General.

XV.—EXAMINATIONS.

Annual Departmental Registration Examination.

82. A departmental examination in questions relating to the Registration Act and Rules and the General Stamp Act shall be held yearly in September in each district. (Notn No. 2705, *B. G. G.*, 1883. Pt. I., p. 272.)

All Clerks and Kárkúns of the Registration Department in the direct employ of Government shall be required to pass such examination before being confirmed in their appointments. The Kárkúns of any Sub-Registrar other than the Sub-Registrars of the Presidency District and the Sub-Registrar of Karáchi, not being in the direct employ of Government, are exempt from the necessity of passing this examination; but any such Kárkúns, who, under the terms of Government Resolutions, Revenue Department, No. 2257 of the 12th May 1871, and No. 2724 of 13th May 1873, are eligible for the Government service, may, if they so desire, appear at the examination.

The questions for the examination will be prepared by the Inspector General and forwarded by him to the President of the Examination Committee in each district, who will return the papers to the Inspector General for his examination and decision. The names of the candidates who pass the examination will be published in the *Government Gazette*.

If a candidate who has passed the examination does not obtain an appointment in the Registration Department within one year from the date of so

passing, he shall not be deemed qualified for a permanent appointment therein until he has again passed the examination, but he may be appointed as a probationer.

(Notn. No. 2705, B. G. G., 1883, Pt. I., p. 272.)

Confirmation of probationary Special Sub-Registrars.

83. The appointment of every Special Sub-Registrar will for the first 12 months be probationary only; as soon as possible after that time has elapsed, or in special cases within that time, if after careful examination of his office he be reported duly qualified by the District Registrar, the Inspector General will inform Government whether in his opinion he should be confirmed in his appointment, but no such appointment will be confirmed unless the probationer has passed the annual examination prescribed by the last rule either within a year before he was appointed or whilst he has been on probation.

(Notn. No. 5396, B. G. G., 1887, Pt. I. p. 717.)

If however a Registrar's clerk or kárkún has, while serving in that capacity, passed the departmental examination prescribed in Rule 82 and has continued, up to the time of his appointment as a Sub-Registrar, to be employed in the Registration Department, he shall not be liable to again pass the annual examination.

APPENDIX A.—(*See Rule 1.*)

FORM OF BOOK No. 1.

Register of Non-testamentary Documents relating to Immoveable Property.

Serial Number of Document.	Endorsement and Certificate (sections 52, 58, 59, and 60).	Copy of Document.

APPENDIX B.—(*See Rule 1.*)

FORM OF BOOK No. II.

Record of Reasons for Refusal to Register.

Serial Number of refusal and nature of Document.	Name of Presenting Party.	Name of Office in which Registration has been refused, and date of refusal.	Reasons for refusal to register.	Copy of Order of Appellate Authority or Civil Court directing Registration (sections 72 or 75 and 77).

Note.—1.—Book No. II is to be kept in this form both by Registrars and Sub-Registrars.

2.—In Sub-Registrars' Offices only the date of refusal need be entered in column 3.

3.—In Registrars' Offices when an appeal is brought under section 72, or when an application is made under section 73, the name of the office in which registration of the document has been refused and the date of such refusal should be entered in column 3, and in column 4 the Sub-Registrar's reasons for refusal should be copied *verbatim*. If the order of the Appellate Authority directs the registration of the document it is to be copied in full in column 5 both in the Registrar's Book No. II and in that of the Sub-Registrar concerned.

APPENDIX C.—(*See Rule 1.*)

FORM OF BOOK No. III.

Register of Wills and Authorities to adopt.

Number.	Reference to Book No. V.	Endorsement and Certificate (sections 52, 58 to 60, and 45).	Copy of Will or Authority to adopt.

Note.—1. Only the Registers issued to Registrars should contain the second column.

2. In Registrars' offices when a Will is in the first instance deposited as a sealed cover the 2nd column will be filled in, and the 3rd column left blank. In any other case column 3 will be filled in, and column 2 left blank.

APPENDIX D.—(*See Rule 1.*)

FORM OF BOOK No. IV.

Miscellaneous Register.

Serial Number of Document.	Endorsement and Certificate (sections 52, 58 to 60.)	Copy of Document.

APPENDIX E.—(*See Rule 1.*)

FORM OF BOOK No. V.

Register of Deposits of Wills.

Number.	Year, month, day, and hour of presentation.	Name and addition of Depositor.	Nature of Document.	Names and additions of Persons examined as to identity.	Superscription.	Inscription or seal.	Date of Application for Registration (section 45.)	Name and addition of Person making Application.	Reference to Book No. III.	Date of Return to Depositor (section 44.)	Receipt of Depositor on withdrawal.

APPENDIX F.—(*See Rule 5.*)

FORM OF INDEX No. I.

Names of executing Parties or, in case of Decrees or Orders of Civil Court, of Defendants.	Place of Residence.	Profession, Trade, Rank, or Title.	Names of Persons claiming under Document or, in case of Decrees or Orders of Civil Court, of Plaintiffs.	Place of Residence.	Profession, Trade, Rank, or Title.	Date of Registration.	No. of Book.	Volume.	Page.	Serial Number of Document.

APPENDIX G.—(*See Rule 5.*)

FORM OF INDEX No. II.

Name of Village or Town.	Táluka.	Description of Property.	Names of executing Parties or, in case of Decrees or Orders of Civil Court, of Defendants.	Names of Persons claiming under Document or, in case of Decrees or Orders of Civil Court, of Plaintiffs.	Nature of Document and value of consideration.	Date of Registration.	No. of Book.	Volume.	Page.	Serial No. of Document.

APPENDIX H.—(*See Rule 5.*)

FORM OF INDEX No. III.

Name of Testator or Donor.	Place of Residence.	Profession, Trade, Rank, or Title.	Name of Executor, Guardian, &c.	Place of Residence.	Profession, Trade, Rank, or Title.	Name of Person claiming under Will or Authority to adopt.	Place of Residence.	Profession, Trade, Rank, or Title.	Description of Property to which Document relates.	Date of Death of Testator or Donor.	Date of Registration of Will or Authority to adopt.	Volume of Book No. III.	Page.	Serial Number of Document.

APPENDIX I.—(*See Rule 5.*)

FORM OF INDEX No. IV.

Name of Executing Party or Defendant (in case of Decree or Order of Civil Court.)	Place of Residence.	Profession, Trade, Rank, or Title.	Names and Additions of Persons claiming under Document or, in case of Decrees and Orders of Civil Court, of Plaintiffs,	Nature of Document and Value of Consideration.	Date of Registration.	No. of Book.	Volume.	Page.	Serial Number of Document.

APPENDIX J.—(*See Rule 7.*)

TRANSLITERATION TABLE.

English.	Gujaráti.	Maráthi.	Kánarese.	Hindustáni.
a	અ	अ	ಅ	ا
á	આ	आ	ಆ	آ
i	ઇ	इ	ಇ	اِ
ī	ઈ	ई	ಈ	اِي
ŭ	ઉ	उ	ಉ	اُ
ū	ઊ	ऊ	ಊ	اُو
e	એ	ए	ಎ	اے
ai	ઐ	ऐ	ಐ	اي
o	ઓ	ओ	ಒ	او
ou	ઔ	औ	ಔ	اَو
am	અં	अं	ಅಂ	ام
ah	અઃ	अः	ಅಃ	آه
k	ક	क	ಕ	ك
kh	ખ	ख	ಖ	خ
g	ગ	ग	ಗ	گ
gh	ઘ	घ	ಘ	گهه
ng	ઙ	ङ	ಙ	ن
ch	ચ	च	ಚ	چ
chh	છ	छ	ಛ	چهه
j	જ	ज	ಜ	ج
jh	ઝ	झ	ಝ	ڈ
ny	ઞ	ञ	ಞ	ن
ṭ	ટ	ट	ಟ	ٹ
ṭh	ઠ	ठ	ಠ	ٹهه
ḍ	ડ	ड	ಡ	ڈ
ḍh	ઢ	ढ	ಢ	ڈهه
ṇ	ણ	ण	ಣ	ن
t	ત	त	ತ	ت ط
th	થ	थ	ಥ	تهه
d	દ	द	ದ	د
dh	ધ	ध	ಧ	دهه
n	ન	न	ನ	ن
p	પ	प	ಪ	پ
ph	ફ	फ	ಫ	پهه
b	બ	ब	ಬ	ب
bh	ભ	भ	ಭ	بهه
m	મ	म	ಮ	م
y	ય	य	ಯ	ي
r	ર	र	ರ	ر
l	લ	ल	ಲ	ل
w	વ	व	ವ	و
sh	શ	श	ಶ	ش
ṣh	ષ	ष	ಷ	ش
s	સ	स	ಸ	س ث ص
h	હ	ह	ಹ	ه ح
ksh	ક્ષ	क्ष	ಕ್ಷ	کش
dn	જ્ઞ	ज्ञ	ಜ್ಞ	دن

APPENDIX K.—(*See Rule 17.*)

FORM OF INDEX TO BOOK No. II.

Name of presenting Party.	Page.	Number.

APPENDIX L.—(*See Rule 19.*)

FORM OF DAY-BOOK.

Wednesday, 15th July 189 .

Number.	Description of Instrument and Value of property affected thereby—particulars regarding Fees levied.	Number of Folios.	Fees. Copying.	Fees. Registration.	Reference to Register.	Whether Registration ordered or refused, or whether Deed has been withdrawn.	Date of Registration or refusal, *i.e.*, the date on which the Registration has been ordered or refused.	Date of return to presenting parties.	Signature of Recipient.
			Rs. a. p.	Rs. a. p.					
1	Conveyance (Rs. 1,500). Fine under Section 24, under clause 1 of the Fine Table	24	3 12 0	5 0 0	Book No. I., Vol. 84, Pages 137 to 141, Serial No. 255-a.	Ordered ...	15th July 189 .	23rd July 189 .	A. B.
		.. ...	....	7 8 0					
	1 Copy to Registrar of...	.....	3 12 0	....					
	3 Memoranda under Section	.....	1 8 0	.....					
2	Will	12	1 14 0	4 0 0					
3	Lease (Rs. 49)	7	1 1 6	0 4 0					
			11 15 6	16 12 0					
				11 15 6					
	Total ...	.....	....	28 11 6					
	Wednesday, 15th July 189 *after close of Treasury.*								
4	Mortgage with Possession (Rs. 1,000) ..	17	2 10 6	4 0 0	Book No. I., Vol. 85, Pages 130 to 142, Serial No. 256-a.	Ordered ...	15th July 189 .	30th July 189 .	C. D.
	3 Memoranda under Section	....	1 8 0	.....					
			4 2 6	4 0 0					
				4 2 6					
	Total ...	....	.....	8 2 6					

(Signed) *X. Y.*,
Sub-Registrar.

APPENDIX M.—(*See Rule 20.*)

FORM OF MINUTE BOOK.

Daily No.	
	Wednesday, 15th July 189 .
1	*A. B.* of *C. D.* presents for registration a document purporting to be Mortgage deed of a field executed in his favour by *E. F.*, also of *C. D.*; proceedings postponed pending issue of a summons to *E. F.*
	(Signed) *X. Y.*, Sub-Registrar.
	Thursday, 6th August 189 .
No. 1 of 15th July 189 .	Resumed proceedings in regard to document, Daily No. 1 of 15th July 189 . A person, calling himself *E. F.*, attends in obedience to a summons served upon him, and admits execution of the document. He is identified by *G. H.*, a Vakeel, practising in the Court of the Munsiff of , who is known to the undersigned, or who, in his turn, is identified by *K. L.*, who is known to the undersinged Registrar (or Sub-Registrar.) Registration ordered in Book No. I.
	(Signed) *X. Y.*, Sub-Registrar.

N.B.—In the case of consideration acknowledged after the words "admits execution of the document," add "and receipt of consideration." If any payment of money or delivery of goods is made in the presence of the Registering Officer with reference to the document that is presented for registration, a record to that effect in this book shall be made and signed by the Registering Officer, and shall also be endorsed on the document. Denial of receipt of consideration should also be noted.

APPENDIX N.—(*See Rule 21.*)

FORM OF CASH-BOOK.

Wednesday, 15th July 18 .

For what Fees, &c., were realized.	Amount.		
	Rs.	a.	p.
Amount of percentage now repaid by undersigned Sub-Registrar on Rs. 10, fee refunded to *A. B.* on document No. , the registration of which was refused.	2	0	0
Amount of percentage now repaid by undersigned Sub-Registrar on Rs. 2-8, fee surcharged on document No. of , refunded	0	8	0
Inspection of Register Book No. I. for 1873 allowed on application No. 1 of this date	1	0	0
Search of Registers for 1870 and 1871 on application No. 2 of this date... ...	2	0	0
For personal attendance of Sub-Registrar at house of *A. B.*, to examine *A. B.* regarding special power-of-attorney executed by her	10	0	0
Attestation Fee levied in above case	2	0	0
Fine under Section 34 levied on resumption this day of proceedings, Daily No. 3 of 25th May 18	5	0	0
Copy granted of General No. 378 of 1871 on application No. 2 of 14th July 18 , 16 Folios...	2	8	0
Total of Fees for registration and copying, &c., as shown in Day-Book of this day's date, before close of Treasury	28	11	6
Total... ...	53	11	6

(Signed) *X. Y.*,
Sub-Registrar.

Received Rs. (53-11-6) fifty-three, annas eleven, and pies six only.

(Signed) *M. N.*,
Officer in charge of Treasury.

Details of above for guidance of Treasury Officer.
(*a*) Registration fees.
(*b*) Fines or penalties.
(*c*) Fees for copies granted.

Fees for registration, copying, &c., as per Day-Book of this day's date, after close of Treasury	8	2	6

Thursday, 16th July 18 .

Balance in hand from previous day	8	2	6
Total of fees for registration, copying, &c., as per Day-Book of this day's date	46	10	0
Total	54	12	6

(Signed) *X. Y.*,
Sub-Registrar.

Received Rs. (54-12-6) fifty-four, annas twelve, and pies six only.

(Singed) *M. N.*,
Officer in charge of Treasury.

* Details of above for guidance of Treasury Officer.
(*a*) Registration fees.
(*b*) Fines or penalties.
(*c*) Fees for copies granted.

* Fines under Section 24 or 34 to be shown under item (*b*) in this abstract; fees for copies granted, but not copying fee, to be shown under item (*c*). All other fees and realizations, except sale proceeds of dead-stock articles which should, in the rare instances of such being realized, be entered under a separate heading of their own, to be shown under item (*a*) as registration fees.

APPENDIX—O.—(*See Rule 23.*)

FORM OF BATTA-BOOK

Dr. *Wednesday, 15th July 189* . *Cr.*

Number in Day-Book of Document in connection with which Fee was received.	For what Fee was taken.	Amount.			How disposed of.	Amount.		
		Rs.	a.	p.		Rs.	a.	p.
1 of 15th July 189 .	From *A. B.* for a summons to *C. D.*	1	0	0	Returned to *O. P.* batta received for remuneration of witness *Q. R.*, on whom summons could not be served	0	8	0
	Ditto Ditto *E. F.* Ditto ...	1	0	0				
	From *A. B.* for batta for *C. D.* ...	1	12	0	Forwarded to Magistrate with application for summonses to be issued to—			
	Ditto Ditto for *E. F.* ...	0	10	0				
2 of 14th July ...	From *G. H.* for a summons to *J. K.*	1	0	0	*C. D.* ... ... Rs. 2 12 0 *E. F.* .. ... „ 1 10 0 *J. K.* ... ... „ 2 4 0	6	10	0
	For batta to ditto	1	4	0				
3 of 1st July ...	Batta returned by Magistrate, summons on *Q. R.* not having been served	0	8	0				
	Total... ...	7	2	0	Total... ...	7	2	0

(Signed) *X. Y.*,
Sub-Registrar.

(Signed) *X. Y.*,
Sub-Registrar.

Received Rs. (6-10-0) six, and annas ten only.

(signed) *M. N.*,
Magistrate.

APPENDIX P.—(*See Rule 26.*)

List of Books, Papers, &c., destroyed under the provisions of Rule 26.

No. and Date of the Paper, &c., if any.		Subject of the Paper, &c.	Date of Destruction.	REMARKS.
No.	Date.			
				I hereby certify that these papers, &c., were destroyed in the presence of the undersigned.* (*Signature*).

* Notification No. 8678, *B. G. G.*, 1887, Pt. I., p. 984.

APPENDIX Q.

List of Documents destroyed under Section 85 and Rule 27.

Date of Presentation.	Office in which presented.	Nature of Document and Value or amount of consideration.	Name of Presenter.	Executed by	In favour of	Date of Registration or refusal, as the case may be.	Date of Order of Destruction by the Inspector General.	Date of actual Destruction.	Reference to Register.

I hereby certify that these documents were destroyed in the presence of the undersigned.*

(Signature.)

* Notification No. 8678, B. G. G., 1887, Pt. I., p. 984.

APPENDIX R.—(*See Rule 31.*)

* *Form of Memorandum under Sections 64, 65, 66 and 67 of Act III of 1877.*

Serial Number.	Copy of Endorsements and Certificates, Sections 52, 58 to 60.	Nature of Document	Description and Value of Property affected by the Document.	Situation of property.	Names of Executing Party.	Place of Residence.	Profession, Rank, or Title.	Names of Claiming Parties.	Place of Residence.	Profession, Rank, or Title.	Reference to Register.

Forwarded to the Sub-Registrar of under Section of the Indian Registration Act III of 1877.

Date of receipt

† { Filed at page , No. , Volume of Supplement to Book No. I, Part I. *Date* Registrar or Sub-Registrar.
Date Sub-Registrar.

* The Value of the stamp on the original should be shown on the Memorandum, as also the stamp-vendor's endorsement.

† This form of endorsement by the receiving and filing officer should be followed in the case of certificates under the Land Improvement Act, filed in Supplement to Book No. I, Part III.

APPENDIX S.—(*See Rule 35, para. 1.*)

Form of Miscellaneous Receipt.

Date ... ...

Fee (*or* Travelling expenses) received for ... ...

Paid by ... ...

Amount received ... ...

Registrar (*or* Sub-Registrar.)

Date ... ...

Fee (*or* Travelling expenses) received for ...

Paid by ... ...

Amount received ... ...

Registrar (*or* Sub-Registrar.)

APPENDIX T.

Form of Receipt under Section 52 and Rule 35, para. 2.

Daily No.

Date of 18 .

Nature of Document.

By whom presented.

Received fees as follows :—

	Rs.	a.	p.
Registration fee			
Copying fee (Folios)			
Extra fee for registration by Registrar...			
Extra registration fee for registration at private residence			
Attendance fee for ditto			
Fee for copies or Memoranda under Sections 64, 65, 66, and 67			
Fine under Section 24			
Do. under Section 34			
Total Rs...			

Registrar (*or* Sub-Registrar.)

Daily No.

Date of 18 .

Received for registration (*or* deposit) from

Received fees as follows .—

	Rs.	a.	p.
Registration fee			
Copying fee (Folios)			
Extra fee for registration by Registrar			
Extra registration fee for registration at private residence ...			
Attendance fee for ditto			
Fee for copies or Memoranda under Sections 64, 65, 66, and 67.			
Fine under Section 24			
Do. under Section 34			
Total Rs...			

Registrar (*or* Sub-Registrar.)

APPENDIX U.—*(See Rule 42.)*

Form of Endorsement and Certificate under Sections 58 to 60.

A. B., executing party, Merchant, resident at Thána, admits execution, and acknowledges or denies receipt of consideration, as the case may be. *A. B.* is personally known to the undersigned Registrar (or Sub-Registrar.)

(Signed) *A. B.*,
(„) *X. Y.*,

Registrar or Sub-Registrar.

15th July 18 .

Or *C. D.*, Writer, resident at Thána, examined as to identity of *A. B.*, *C. D.*, is personally known to the undersigned ; or C. *D.*, in his turn, identified by *E. F.*, who is personally known to the undersigned Registrar (or Sub-Registrar).

(Signed) *C. D.*,
(„) *E. F.*,
(„) *X. Y.*,

Registrar or Sub-Registrar.

15th July 18 .

E. F. (Agent of *G. H.*, executing party), Vakil, resident at Thána, admits execution by *G. H.*, and acknowledges or denies receipt of consideration, as the case may be. He is personally known to the undersigned Registrar (or Sub-Registrar), or as above.

(Signed) *E. F.*,
(„) *X. Y.*,

Registrar or Sub-Registrar.

July 18 .

A. B., Collector, executing party, resident at Thána, is exempt from personal appearance under Section 88 of the Indian Registration Act III of 1877. His signature and seal are identified by *C. D.*, Clerk, resident at Thána, who is personally known to the undersigned Registrar (or Sub-Registrar).

(Signed) *C. D.*,
(„) *X. Y.*,

Registrar or Sub-Registrar.

July 18 .

Or the signature and seal of *A. B.*, Collector, are known to the undersigned Registrar (or Sub-Registrar).

(Signed) X. *Y.*,

Registrar or Sub-Registrar.

July 18

* Registered No. 4 at page 12, Volume 11 of Book No. I.

(Signed) *X. Y.*,

L. S.

Registrar or Sub-Registrar

16th July 18 .

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* NOTE.—The date of registration in the endorsement under Section 60 should be the date on which the document is compared with the copy in the Register Book, and the letter certified to be a true copy.

APPENDIX V.—(*See Rule 66*).

Register of Refunds (a) on account of Deeds refused for Registration, or (b) on account of Fees surcharged, or (c) on account of Fines remitted.

Date of receipt by Registering Officer of bill or order on Treasury or Sub-Treasury for payment of refund.	Date of delivery of refund bill or order to party claiming the same.	Amount of refund bill or order.	Reference to page of Day-Book in which entry regarding document appears.	Date of refusal of registration.*	Date of submission of refund bill for sanction.	Signature (in acknowledgment of receipt of refund bill or order) of party claiming the same.	Signature of Registering Officer.

NOTE I.—*This column is to be left blank in the case of refund of fee surcharged or fines remitted.

NOTE II.—In those offices in which, owing to there being no Treasury or Sub-Treasury close at hand, refunds are made through the means of a permanent advance, the headings of columns 2, 3 and 7 will be altered so as to show that the Registering Officer has paid the amount of refund in cash to the claiming party.

APPENDIX W.—(*See Rule 27*).

REGISTRATION RETURN.

DETAILED STATEMENT showing the articles of Fee Table, under which Fees shown in Columns 2, 3, 4, 5, 9, 10, 11, 12, 20, 21, 22, or 23 of this Return have been levied, and the Numbers of Fees under each Article—

NAME OF OFFICE.	BOOK No. I.		BOOK No. IV.
	Optional.	Compulsory.	

Registrar.

Registration Return of the . *for the Month of*

NAME OF OFFICE.	BOOK No. I.											
	REGISTRATION OF DOCUMENTS AFFECTING IMMOVEABLE PROPERTY.											
	OPTIONAL.											
	The value or consideration not exceeding, Rs. 100.		The value or consideration exceeding Rs. 100, but not exceeding Rs. 1,000.		The value or consideration exceeding Rs. 1,000, but not exceeding Rs. 20,000.		The value or consideration exceeding Rs. 20,000.		No consideration, rent or other value being expressed in the Deed.			
	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.		

BOOK NO. I.—*continued.*

REGISTRATION OF DOCUMENTS AFFECTING IMMOVEABLE PROPERTY—*continued.*

OPTIONAL—*continued.*				COMPULSORY.									
Separate Deeds acknowledging receipt or payment of consideration on account of other Deeds optionally registered.		Deeds falling under Article 27 of the Fee Table.		The value or consideration not exceeding Rs. 100.		The value or consideration exceeding Rs. 1,00, but not exceeding Rs. 1,000.		The value or consideration exceeding Rs. 1,000, but not exceeding Rs. 20,000.		The value or consideration exceeding Rs. 20,000.		No consideration, rent or other value being expressed in the Deed.	
No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.

BOOK No. I.—*continued.*						BOOK No. III.*					
REGISTRATION OF DOCUMENTS AFFECTING IMMOVEABLE PROPERTY—*continued.*											
COMPULSORY—*continued.*											
Separate Deeds acknowledging receipt or payment of consideration on account of other Deeds compulsorily registered.		Copying Fee, besides the ordinary Registration Fee.		*TOTAL OF BOOK No. 1, INCLUDING COPYING FEE.		Registration of Wills and of Authorities to Adopt.		Copying Fee, besides the ordinary Registration Fee.		TOTAL.	
No.	Fee.	No of Folios.	Fee.	No.	Fee.	No.	Fee.	No. of Folios.	Fee.	No.	Fee.

* Wills and Authorities to Adopt should be shown separately by using the letter *W* to denote Wills, and *A A* for Authorities to Adopt.

BOOK No. IV.

MISCELLANEOUS DOCUMENTS.

The value not exceeding Rs. 100.		The value exceeding Rs. 100, but not exceeding Rs. 1,000.		The value exceeding Rs. 1,000, but not exceeding Rs. 20,000.		The value exceeding Rs. 20,000.		No consideration or other value being expressed in the Deed.		Separate Deeds acknowledging receipt or payment of consideration on account of other Deeds also registered.		Deeds falling under Article 27 of the Fee Table.		Copying Fee, besides the ordinary Registration Fee.		TOTAL OF BOOK No. IV., INCLUDING COPYING FEE.	
	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No. of Folios	Fee.	No.	Fee.

BOOK No. V.

WILLS.										Total Number of Documents presented for registration or deposit, or withdrawal.	TOTAL F
For deposit of Sealed Cover.		For opening Sealed Cover.		For withdrawal of Sealed Cover.		Copying Fee besides the ordinary Registration Fee.		TOTAL OF BOOK No. V., INCLUDING COPYING FEE.			
No.	Fee.	No.	Fee.	No.	Fee.	No. of Folios.	Fee.	No.	Fee.		

FINES.						POWER OF ATTORNEY ATTESTED.					
Section 24.		Section 34.		TOTAL.		Special.		General.		TOTAL.	
No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.

Copies granted.		Searches and Inspections.		Commissions (Sections 33, and 38).		Personal Attendance (Sections 31, 33, and 38).		Translations filed under Section 62.		Fees under Article 37 of the Fee Table.		Miscellaneous Receipts, *i. e.* Recovery of Fees less charged in former months, fines or percentage recovered from the Sub-Registrars, &c., &c.	TOTAL F &C., RECEIVED.
No. of Folios.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.		

EXPENDITURE.

ESTABLISHMENT.			Fixed Contingent Allowance.	Percentage to Sub-Registrars.	Printing and Stationery.	Furniture and House-rent.	Postage.
Permanent.	Temporary.	TOTAL.					

EXPENDITURE—*continued.*

Travelling Allowance.	Refunds.	Miscellaneous.	TOTAL.	SURPLUS.	DEFICIT.	REMARKS.

Deduct Deficit.....Rs.

Add Sale proceeds of Dead Stock articles sold as per Inspector General's No. of 189 .

Registrar.

Net Surplus...Rs.

Office of

189 .

APPENDIX X.—*(See Rule 67.)*

Monthly Statement of Arrears in the District of on the 1st 189

Registrar and Sub-Registrars.	Document to be copied.	No. of Documents of which Registration is delayed pending inquiry.							No. of Documents of which Registration is completed remaining unclaimed in Office.	REMARKS.
		Above 1 Month.	Above 2 Months.	Above 3 Months.	Above 4 Months.	Above 5 Months.	Above 6 Months.	Total.		

Statement of Inspections in the District of during the Month of 189				Statement of Peon's Fees collected for Summons and for serving Warrants of Seizure of persons in the District of during the Month of 189							
Name of Sub-District.	Date of Inspection.	By whom inspected.		Name of Office.	SUMMONS.		WARRANTS.		TOTAL.		REMARKS.
		Registrar.	Assistant or District Deputy Collector.		No.	Fee.	No.	Fee.	No.	Fee.	

Registry Office, }

Registrar.

APPENDIX Y.—(*See Rule 69.*)

Form of PERCENTAGE BILL.

Her Majesty's Government of Bombay _____ Dr.

To AMOUNT OF PERCENTAGE at 20 per cent. due to on the Fees collected and paid into the Treasury of of to the credit of Government, during the Month of 18 .

1	2	3		4				5			6
		Collections.		How and when the Collections were credited to Government in the Treasury Officer's Cash Account.				Percentage payable.			
Sub-District.	Name of the Sub-Registrar.	Fees.	Penalties.	Total amount paid into the Treasury.	Month.	Heading under which credited.	Item in which it is included.	Twenty per cent. on fees only.	Deduct fines.	Net amount of percentage payable.	REMARKS.

Date

Registrar or Sub-Registrar.

CERTIFIED that the amounts entered in column 4 have been credited to Government as above.

Date

Officer in charge of the Treasury.

APPENDIX Z.

REVENUE DEPARTMENT.

Bombay Castle, 19th June 1878.

The follwing form of security bond, prescribed under Government Resolution No. 4022, dated 15th July 1873, for use in the Registration Department, is published for general information in lieu of the form (U) published at page 854 of the *Government Gazette* of 3rd August 1871:—

Know all men by these presents that we A., B., and C. are held and firmly bound to the Secretary of State for India in Council, his successors and assigns, in the sum of Rs. to be paid to the said Secretary of State for India in Council, his successors or assigns, for which payment to be well and truly made, we bind ourselves and each of us, our and each of our Heirs, Executors and Administrators, and every of them jointly and severally by these presents, sealed with our seals, dated this day of in the Christian year, 18 .

2. Whereas the abovenamed A. is appointed to fill the office of a Sub-Registrar of Assurances in the Bombay Presidency, including Sind, and as the holder of such office he is a Public Accountant within the meaning of Act XII of 1850. And whereas in pursuance of the Rules made by the Governor in Council of Bombay in that behalf, the said A. has procured two approved persons to be his sureties for the due discharge of the trusts of his

office, and for the due account of all monies or documents which shall come into his possession or control by reason of his office.

3. And whereas the said B. and C. have agreed to become sureties to the said Secretary of State for India in Council, his successors and assigns, for the due discharge by the said A. of the trusts of his office, and for the due account of all monies or documents which shall come into his possession or control by reason of his office.

4. Now the condition of the above-written bond or obligation is such, that if the said A., B., and C., or any of them, their, or any of their Heirs, Executors or Administrators, shall pay, or cause to be paid, unto the said Secretary of State for India in Council, his successors or assigns, the amount of any loss or defalcation in the accounts of A., or of any loss or damage sustained by Government owing to the misconduct or neglect of the said A. with regard to the documents in his charge within 24 hours after the amount of any such loss or defalcation shall have been demanded by the person or persons at the head of the office to which the said A. belongs, such demand to be in writing, and to be left at the office or place of residence of A., B., and C., respectively, then the above-written bond or obligation shall be void, otherwise to remain in full force and virtue, and the person or persons at the head of the office, to which the said A. belongs, may proceed against him, and his sureties, the said B. and C., for the said loss or defalcation in the accounts of A., or arising out of his misconduct or neglect as if the amount thereof were an arrear of land revenue due by them or any of them to Government. In witness whereof the said A., B., and C. hereunto set their hands and seals, this day of 18 .

The following Table of Fees payable under the Indian Registration Act No. III of 1877 is, with the sanction of the Governor General of India in Council, published for general information in supersession of the Table published at pages 353 to 355 of the *Bombay Government Gazette* of 17th May 1883 :— (Notn. 182, *B. G. G.*, 1888, Pt. I., pp. 129 to 22.)

I.—For the registration of any Acknowledgment (not being of the nature described in Article II), Agreement, Award, Bond, Bill of Exchange, Bill of Sale, Composition-Deed, Contract, Covenant, Grant, Lease, Articles of Partnership, Release Settlement, Declaration of Trust, Revocation of a Trust or Settlement, or of any Instrument of Assignment, Conveyance, Gift, Mortgage, Partition, Sale or Transfer, or of any certified copy of a Decree or Order of Court, or of any Document not hereinafter expressly provided for, in which the amount or value of the consideration therefor or of the property, if any, to which it relates, is capable of being expressed:

(*a*) *If the amount or value of the consideration therefor, or of the property to which such instrument or document relates, is wholly expressed therein.*

		Rs.	a.	p.
1.	When the amount or value does not exceed Rs. 50	0	4	0
2.	Do. do. exceeds Rs. 50 but does not exceed Rs. 100...	0	8	0
3.	Do. do. ... 100 do. 200...	1	0	0
4.	Do. do. ... 200 do. 400...	2	0	0
5.	Do. do. ... 400 do. 600...	3	0	0
6.	Do. do. ... 600 do. 1,000...	4	0	0
7.	Do. do. ... 1,000 do. 1,500...	5	0	0
8.	Do. do. ... 1,500 do. 2,000...	6	0	0
9.	Do. do. ... 2,000 do. 3,000...	8	0	0
10.	Do. do. ... 3,000 do. 4,000...	10	0	0
11.	Do. do. ... 4,000 do. 5,000...	12	0	0
12.	Do. do. ... 5,000 do. 7,500...	14	0	0
13.	Do. do. ... 7,500 do. 10,000...	16	0	0
14.	Do. do. ... 10,000 do. 15,000...	18	0	0
15.	Do. do. ... 15,000 do. 20,000...	20	0	0
16.	For every Rs. 1,000, or part thereof, in excess of Rs. 20,000	1	0	0

(*b*) *If such amount or value is only partly expressed.*

17.	The same *ad-valorem* fee as above on the amount or value which is expressed, and an additional fee of	2	0	0

(*c*) *If such amount or value is not expressed at all.*

18.	A fixed fee of	10	0	0

*II.—For the registration of a document which acknowledges merely the payment of the consideration for some other document which is also registered.	...	The same fee as for the principal document, if the same does not exceed Rs. 2; otherwise, Rs. 2.
III.—For the registration of a Power of Attorney, a Writing of Divorcement, a Certificate of Heirship, Guardianship, Administratorship, or Executorship, or of any document which does not fall within any other article of this Table.	... ...	2 0 0

Wills and Authorities to Adopt.

IV.—For registration of a Will when presented open, or of an authority to adopt... ... ...Rs.	2 0 0	Besides the expense of copying the superscription or contents according to the rate laid down in Article IX.
V.—For deposit of a sealed cover containing a Will „	2 0 0	
VI.—For opening such cover... ... ... „	2 0 0	
VII.—For withdrawal of such cover...		2 0 0

Searches and Inspections.

†VIII.—For searching for entry by Registering Officer, or for allowing applicants to inspect Books or Indexes, for every year of which the Register or Index is searched or inspected.	... ...	1 0 0

(Copying Fees, Grant of Copies, &c.)

IX.—Copying fee, besides the ordinary registration fee, for each folio of 100 words		
X.—For making or granting copies of entries and documents for the benefit of any person, or to be forwarded to any other office under Sections 65, 66 and 67, or for making or granting copies of reasons for refusal by a Registrar under Section 76, for each folio of 100 words	... .	0 2 6
XI.—For granting copy of map:— Provided that the arrangements for, and the cost of, making such copy must be made and borne by the person who applies for it.	... ...	0 8 0

(Extra or additional Fees.)

‡XII.—For registration of any documents by a Registrar ...Rs.	4 0 0	In addition to the ordinary fee.

Note.—This Article is not applicable to the Registration District of Deesa.

(Notn. No. 8704, *B. G. G.*, 1889, Pt. I., p. 3.)

* NOTE TO ARTICLE II.—This Article applies specially to documents which acknowledge the receipt of the consideration expressed in a previous registered document but not paid at the time of the execution of such document, where an *ad valorem* fee, according to the amount of such consideration, has, under Article I, been levied in respect of such previous registered document.

It also applies to re-conveyances executed on the extinction of mortgage liens and to documents acknowledging the receipt of instalments on account of mortgages, subject to the following conditions:—

(*a*) In respect of documents ackowledging the extinction of a mortgage lien in consideration of one payment less in amount than that originally due upon the mortgage, the registration fee shall be calculated according to the *ad valorem* scale in Article I, subject to a maximum of Rs. 2.

(*b*) In respect of documents acknowledging the receipt of payments by instalment on account of a mortgage, the registration fee in each case shall be calculated according to the *ad valorem* scale in Article I, subject to a maximum of Rs. 2.

† NOTE TO ARTICLE VIII.—If, in an application to the Registering Officer for the copy of an entry, the names of the claiming and executing parties, the nature of the document, and date of registration be shown, the fee for such will not be levied.

Government officers requiring to inspect or search the registers or take copies of entries, for *bonâ fide* public purposes, are exempted from the payment of fees.

‡ NOTE TO ARTICLE XII.—When the registration of any document properly registerable by a Sub-Registrar is performed by a Registrar, owing to the former being a party to the transaction represented by such document, the extra fee will not be charged.

XIII.—Registration by the Registrar of Bombay under Section 30, Clause B— (*a*) If the document relates to property situated in the Bombay Presidency, but beyond the limits of the Bombay Registration District... Rs. 8 0 0 (*b*) If the document relates to property situated beyond the limits of the Bombay Presidency. Rs. 16 0 0	...	In addtion to the ordinary fee.

XIV.—For the issue of a Commission under Section 33 or 38—

	Rs.	a.	p
(*a*) If the person is physically unable to attend the Office, or is confined in Jail...	5	0	0
(*b*) Otherwise	10	0	0
XV.—For filing translation (Section 62)	2	0	0

*XVI.—For attendance at private residence, or Jail, under Section 33 for the purpose of attesting a power-of-attorney, or for attendance under Section 31 for acceptance for registration or deposit, or for attendance under Section 38 for the examination of any person.	If the person is physically unable to attend the office, or is confined in Jail ...Rs. 5 0 0 Otherwise „ 10 0 0 And an extra attestation or registration fee equal to the ordinary attestation or registration fee.	...	In addition to the ordinary fee and travelling allowance at the rates permissible under the Civil Travelling Allowance Code.

†XVII.—For the safe custody and return of any document presented for registration and not applied for under para. 2 of Section 61 of the Act within two months from the date of registration, namely, for every day in the third month from date of registration until such document is so applied for	0	1	0
Do. in the fourth month	0	2	0
Provided, however, that the maximum fee payable under this Article for each document so returned shall be	5	0	0

(*Memoranda, Attestation, Summons and Warrants' Fees.*)

XVIII.—For every copy of the Memorandum to be sent under Sections 64, 65 and 66	0	8	0
XIX.—For the attestation of a Power of Attorney, if Special...	1	0	0
Do. do. if General	2	0	0
XX.—Peon's fee for every summons	1	0	0
XXI.—For every warrant for seizure of person	2	0	0

Note:—(*a*) In the case of leases, the amount or value of the consideration on which the *ad-valorem* registration fee is to be assessed shall be as follows:—

If the lease is granted:	The registration fee will be assessed on;
(1) in consideration of the payment of a or fine or premium only;	the amount of such fine or premium paid or payable;
(2) in consideration of the payment of a fine or premium in addition to rent reserved;	the average annual rent reserved, in addition to the amount of fine or premium;
(3) in consideration of the payment of an annual rent without the payment of a fine or premium;	the average annual rent reserved;
(4) for a period less than a year	the total sum payable under the lease;

* NOTE TO ARTICLE XVI.—When an attendance takes place under both Sections 31 and 38 at the same time and place, if the registration of but one document is concerned, only one attendance fee and one extra registration fee will be levied. If a Registering Officer, where the registration of one document is concerned, attends on the presenter on one occasion, and the executant or another necessary witness on another occasion, two attendance fees and two extra registration fees will be levied. If a Registering Officer attends at a private residence or Jail, and one person presents several documents, or one person admits the execution of several documents at one and the same time and place, only one attendance fee will be levied, but an extra registration fee (or, when the admission of execution takes place with a view to the attestation of a power of attorney, an extra attestation fee) will be levied in the case of each document. When several different persons at one and the same time and place present for registration or admit execution of several different documents, the Registering Officer will levy an attendance fee for each distinct transaction, the extra registration fee (or, in the case of powers of attorney attested, the extra attestation fee) being leviable in the case of each document.

† NOTE TO ARTICLE XVII.—Inspector General of Registration is empowered to remit the fee altogether at his discretion.

(5) for an indefinite period... ... ... the average annual rent payable for the first ten years.

Note.—(*b*) If a Patta or lease be given to a cultivator and the Kabuláyat or counterpart of such Patta or lease be registered in the same office and on the same day as the Patta or lease, the registration-fee chargeable in respect of the two documents shall not be greater than the fee which would have been charged on the lease alone.

Note.—(*c*) In the case of annuity-bonds, service-bonds, and agreements for the hire of moveable property, the amount or value of the consideration, on which the *ad-valorem* registration-fee is to be assessed, shall be as follows:—

If the annuity-bond, or service-bond or agreement is granted :	The registration-fee will be assessed on :
(1) for a definite period exceeding one year ;	the average annual amount to be paid during the period ;
(2) for an indefinite period	the average annual amount to be paid during the first ten years.
If the service-bond or agreement is granted :	The registration fee will be assessed on :
(3) for a period less than a year... ...	the total amount payable under the service-bond or agreement.

Note.—(*d*) If in any of the above cases the rent, annuity, remuneration or hire is payable partly in money and partly in kind, and the money-value of the portion payable in kind is not expressed, the registration-fee will be charged at twice the amount of the *ad-valorem* fee chargeable in respect of the amount payable in money. And if the rent, annuity, or remuneration is payable entirely in kind and the money-value thereof is not expressed, a fixed registration-fee of Rs. 2 will be charged.

RULINGS ON VARIOUS SECTIONS OF THE ACT.

Section 3—*Lease.*—" An undertaking to cultivate or occupy " means an *accepted* undertaking giving the lessee a right or interest in the thing let : I. L. R. 3 B. 21.

Section 17—*Value of right created, &c.*—The consideration mentioned in a deed of sale by the parties thereto must be regarded as showing the value of the interest conveyed for the purposes of registration : 11 B. H. C. R. 149.

Assignment of Mortgage.

A deed of assignment of mortgage in consideration of Rs. 5 paid in cash, and the withdrawal of a suit brought on the mortgage being stamped by the parties with a stamp of Rs. 168 was held compulsorily registrable under section 17, VIII of 1871 : I. L. R. 8 B. 610.

Value of right created by Mortgage.

The value of the right, title and interest created by a mortgage is estimated by the amount of the principal money thereby secured. The words " or in future " refer to estates in remainder or in reversion in immoveable property or estates otherwise deferred in enjoyment, not to interest which may or may not be payable in future on money lent : I. L. R. 2 B. 353.

Court's Certificate of Sale requires registration if for more than Rs. 100.

A certificate under the Civil Procedure Code of the sale of immoveable property of the value of more than one hundred rupees must be registered : 7 B. H. C. R. A. C. J. 136 ; 10 B. H. C. R. A. C. G 435 ; I. L. R. 4 B. 155.

Memo. of Revenue Sale does not require registration.

But a memorandum declaring the successful bidder at a revenue sale, is not an instrument creating or declaring an interest in immoveable property. What operates to create the right of occupancy is the revenue sale and consequent entry of the name in the Collector's book : 11 B. H. C. R. 218.

Separate Certificates each under Rs. 100 *do not require registration.*

A certificate under the Civil Procedure Code of the sale of four lots, each under Rs. 100 should be regarded as four separate certificates, each of which did not require registration : I. L. R. 8 B. 377.

Recital of Partition.

A document reciting that there had been a partition of immoveable property but not itself the instrument of partition, was held not to require registration. The word "declare" in section 17 is to be taken in the same sense as the word "create, assign, &c.," *viz.*, as implying a definite change of legal relation to the property by an expression of will embodied in the document referred to: I. L. R. 5 B. 232.

Lease.

An agreement for a lease needs registration if the parties intend to create a present demise: I. L. R. 10 B. 101.

Lease for one year certain with option to Landlord to renew.

A lease under which the tenant could claim possession of the land for one year, but agreed to pay rent so long as the landlord might leave the land with him, held not to require registration: I. L. R. 8 B. 493.

Bargain Paper.

A bargain paper for the sale of immoveable property for over Rs. 100 contemplating execution of a future conveyance is not compulsorily registrable: 12 B. H. C. R. 175; I. L. R. 7 B. 310.

Effect of unregistered Bargain Paper.

But such document could not operate as a conveyance but only as giving a right *in personam*: I. L. R. 5 B. 143.

Presentation at private residence.

Section 31.—Presentation for registration at the residence of the executing party is, if special cause is shown, valid. The registering officer is the judge of the sufficiency of the special cause, and if the procedure is in good faith, it is valid under section 87 even if irregular: I. L. R. 6 B. 96.

Section 23.—Time for presentation for registration.—The Act fixes no time within which registration must be *completed*. If an instrument has been once presented within the time fixed by the Act, but delay subsequently occurs, as where the registration has been declared invalid, or where it is insufficiently stamped when presented, the document may be again submitted for registration although the periods fixed in the Act have expired: 15. B. L. R. 228; 24. W. R. 75; L. R. 1. A. 210; I. L. R. 11. Calc. 750.

Powers of Registrar General and duties of Registering Officer.

Section 69.—Section 80 of Act XX for 1886 (corresponding with section 69 of Act III of 1877) in no way empowers the Registrar General to pass any rule directing by what particular description of evidence a person producing a deed to be registered shall prove his right to have it registered, or to frame a rule different from the ordinary law of evidence as to what fact shall be proved by oral or what by documentary evidence. When all the executants admit execution, the registering officer has nothing to do with the recitals of a deed or with its possible operation as regards third parties, *e. g.*, a minor whose rights are reserved in the deed: 16 W. R. 180.

Section 24.—Finality of order.—When an application for registration of a sale deed had been presented after the expiry of the period prescribed by law for registration and had been dealt with under section 24, and the Registrar had directed that the document should be registered on payment of the prescribed fine, and such fine had been paid, held that it was not competent for the successor in office of the Registrar dealing with the document under section 74 to go behind the order of his predecessor: I. L. R. 6 All. 460.

OPINIONS ON POINTS ARISING IN CONNECTION WITH THE ACT.

Tolls are not Immoveable Property within the meaning of the Act.

Memo. by the L. R:—"The definition of immoveable property given in section 3 of the present Registration Act (III of 1877) must alone be looked to in determining, for the purposes of that Act, what is and what is not immoveable property.

"2. 'Ferries' are expressly included within the definition. A ferry is an exclusive right to carry persons and their goods across a river and to take payment for the service rendered. 'Tolls,' as they exist in this Presidency, are simply taxes on traffic on roads and bridges. There is no substantial similarity between ferries and tolls, and as 'tolls' are not specially named in the above definition, the fact that ferries are named therein affords no argument that tolls must be meant to be included also.

"3. Tolls can only be held to fall within the definition if they are 'benefits to arise out of land.' This I do not think they can reasonably be said to be; they are simply taxes imposed under the authority of a legislative enactment, on traffic, and there is no more reason, in my opinion, for classing them as immoveable property for the purposes of the Registration Act than for including ábkári and opium taxes in the same category." (G. R. No. 6268, 4th August 1884, R. D.)

Notifications under Section 5 altering limits cannot operate retrospectively.

Memo. by the L. R. :—The third paragraph of section 5 of the Registration Act (III of) 1877, very clearly provides that territorial changes shall take effect, *after the date of the* notification on a day to be mentioned therein. In the face of this enactment, it is not possible for Government, by notification, to sanction or give validity to such changes retrospectively. (G. R. 5028, 14th July 1886, R. D.)

Section 33.—Power-of-Attorney executed in a Native State.

Memo. by the L. R. :— "Section 33, clause (*e*) of Act III of 1877, does not require a power-of-attorney, executed by a principal at the time of execution residing in a Native State, to be executed before a British Court, Judge or Magistrate, but before *any* Court, Judge or Magistrate. A power-of-attorney executed before and authenticated by a Native Court, Judge or Magistrate of a Native State should, therefore, in my opinion, be accepted by the Registering Officer." (G. R. No. 4172, 23rd May 1885, R. D.)

Execution of two Documents each under Rs. 100 *instead of one for over Rs.* 100 *is not an evasion of Duties.*

Memo. by the Acting L. R. :— "The Collector of Kaira raises the question whether the execution of two documents each creating an interest under Rs. 100 in immoveable property, in place of one document for the total amount is not a contravention of section 27 of the Stamp Act rendering the documents inadmissible in evidence.

"2. It is very possible that the object of executing two documents instead of one was to avoid the expense, as well as the publicity, of registration.

"3. But section 27 requires only such facts and circumstances as affect the chargeability of an instrument with *duty* to be set forth.

'Duty' is the amount chargeable under Schedule 1 of the Stamp Act, and does not include registration fees which are levied not as a source of revenue but for services performed and benefits received.

"4. The provisions of sections 49 and 50 of Act III of 1877 declare the consequences of non-registration.

"5. Each of these documents creates an interest under Rs. 100 in value. Neither of them is inadmissible in evidence to prove either of such charges. But neither of them would avail against a registered mortgage, and their separate operation is quite different from what the effect of one mortgage for their combined amount would be. A mortgage for the combined amount would be indivisible, whereas each of these mortgages may be separately redeemed.

"6. As they do not profess to operate as *one* document for the combined amount would operate, there is nothing to prevent their admissibility in evidence though their *operation* is subject to the provisions of the Registration Act giving preference to any registered charges n existence relating to the same property." (G. R. No. 7000, dated 20th October 1888, R. D.)